

Memorandum

**TO: RULES AND OPEN
GOVERNMENT COMMITTEE**

FROM: Tom Manheim
Communications

Director

SUBJECT: POLICE RECORDS WORK PLAN

DATE: October 22, 2008

Approved

Deanna Santana

Date

10/22/08

RECOMMENDATION

Confirm direction and approve Work Plan responding to the Rules & Open Government Committee's consideration of the Law Enforcement Records recommendations of the Sunshine Reform Task Force (SRTF).

BACKGROUND

The Rules & Open Government Committee recently reviewed the SRTF Law Enforcement recommendations. This Work Plan details proposed next steps to respond to the Committee's consideration of this item.

General Direction

The Rules and Open Government Committee heard comments from: 1) Bert Robinson, Chairperson of the SRTF Public Records Subcommittee; 2) Chief of Police Rob Davis; 3) District Attorney Dolores Carr; and 14 members of the public. Following a lengthy discussion, the Committee discussed the possibility of making additional information available to the media. Three themes emerged regarding the general direction articulated by the Committee:

1. Generally follow the California Public Records Act (CPRA) in our approach to making Law Enforcement Records public;
2. Work with the SRTF Public Records Subcommittee Chair to identify specific information to be included in a synopsis that meets the "Factual Circumstances" requirement of the CPRA
3. Institutionalize recent improvements in how the Police Department responds to CPRA requests.

Work Plan

The following tasks came out of the meeting:

1. Additional Information – The Police Department will meet with the Public Records Subcommittee Chair to identify what information the Task Force believes is currently *not* being released that the Police Department should be releasing, and to see if agreement can be reached regarding what additional information should be regularly provided in response to a Public Records request.
2. Modifications to Practices – The Police Department and Office of the District Attorney should evaluate if any changes to current practice are necessary to support the timely release of information consistent with #4 above.
3. Institutionalize Improvements – Police Department should report back on how it will institutionalize recent improvements in responding to CPRA requests.
4. Additional Information for the Media – During public comment, Attorney James Chadwick cited a Supreme Court case that he indicated would allow the City to provide greater access to records than that provided to other entities. The City Attorney's Office will research case law to confirm the legal basis for this approach.
5. Next Door Solutions Concern – During public comment, the Executive Director of Next Door Solutions, Kathleen Krennek, indicated the Police Department did not provide the names of victims of Domestic Violence that was important to a research project. The Police Chief indicated withholding this information was recommended by the City Attorney's Office. The Police Department and City Attorney's Office will evaluate whether the Department's response was consistent with the CPRA. The Department will determine whether any operational changes are necessary to ensure future responses are consistent with the CPRA.
6. Budget Message Direction Regarding Police Statistical Reports – The Mayor's June Budget Message, approved by the City Council, contained the following direction:


Direct the City Manager to conduct an assessment of the reports the Police Department currently assembles and ways to speed up the process. These are reports that would be compiled with much less staff time if we had an AFR/ RMS system, but in the interim the Chief should develop a proposed timeline that would allow for all necessary reports to be completed.

The Police Department will evaluate current resources, review the statistical reports it is currently providing, develop a timeline that will allow for all necessary reports to be completed, and make recommendations regarding the SRTF proposals regarding Law Enforcement Statistical Records.

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7. Other Police Practices – Review what information is released in response to Public Records requests by the police departments in Honolulu, HI and El Paso, TX.

Staff anticipates completing this Work Plan in time for discussion during a Rules and Open Government Meeting before the end of the calendar year.

A handwritten signature in cursive script, appearing to read "Tom Manheim", followed by a horizontal flourish line.

TOM MANHEIM
Communications Director